

**PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
APRIL 1, 2013
6:30 P.M.**

AGENDA

- I. CALL TO ORDER
- II. CONSENT AGENDA
 - A. Minutes (page 1)
- III. NEW BUSINESS
 - A. Lot Split Request – Pay Del Co – Valley Industries (page 4)
 - B. Variance Request – Paynesville Arch, LLC (page 13)
- IV. OLD BUSINESS
 - A. Opportunity Park 2nd Addition – Preliminary Plat (page 24)
- V. INFORMATIONAL
 - A. Next Meeting – Monday, May 6, 2013 at 6:30 p.m. – Just a reminder we meet twice a month (first & third Monday) May – September; only if necessary.
 - B. Building Inspection Services Invoice – Not available at the time this agenda was published.
 - C. Building Inspection Report – Not available at the time this agenda was published.
- VI. ADJOURN

Please contact Renee Eckerly at 320-243-3714 ext. 227 or at renee@paynesvillemn.com if you can't attend the meeting.

**Members: Dan Roberts, Darlene Loven, Ron Mehr, Bob McDaniel, and Don Mayer.
Advisory Member: Renee Eckerly**

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Planning Commission. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville Planning Commission meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: April 1, 2013

Agenda Section: Consent

Originating Department: Administration

Item Number: II - A

ITEM DESCRIPTION: Minutes

Prepared by: Staff

COMMENTS:

Please review the minutes from the March 4, 2013 Planning Commission meeting.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the minutes from the March 4, 2013 Planning Commission meeting.

**MINUTES
PLANNING COMMISSION**

MARCH 4, 2013

Chairman Dan Roberts called the meeting to order at 6:30 p.m. Members present were Darlene Loven, Donavan Mayer, Ron Mehr, and Bob McDaniel. Also present were Renee Eckerly, City Administrator; Ashley Alsum, Cable Coordinator; Doreen Miller, Joe Miller, Robert Meyer, Ralph Meyer, Mark Fenske, and Brian Savage.

Motion was made by Mayer to approve the minutes of the February 4, 2013 Planning Commission Meeting. Seconded by Loven and unanimously carried.

OPPORTUNITY PARK 2ND ADDITION – CONCEPT PLAN

The Commission reviewed the layout and Eckerly reported on the Council's desire to plat the remaining property.

Motion was made by McDaniel to approve the Opportunity Park 2nd Addition Concept Plan and recommend such to the City Council. Seconded by Loven and unanimously carried.

BUILDING INSPECTOR RFP

Eckerly reported on the Council's desire to look for a new inspector. At the February 7, 2013 Special City Council – Goals & Objectives Meeting the Council requested that Building Inspector Request For Proposals (RFP's) be put on a future agenda to discuss proceeding with the RFP's for Building Inspection Services. At the February 27, 2013 City Council meeting a motion was passed unanimously to proceed with Building Inspector RFP's. The Request for Proposal that was utilized in January 2012 was reviewed for any changes. The Commission discussed the pervious response to the last RFP. There is a need to include a letter in the RFP that sells the community.

Motion was made by Loven to proceed with Building Inspector RFP's. Seconded by Mayer and unanimously carried.

Roberts recessed the Planning Commission meeting at 6:35 p.m. and opened the Re-Zoning Public Hearing.

RE-ZONING REQUEST – PAY DEL CO - VALLEY INDUSTRIES BUILDING

A Re-Zoning application from Pay Del Co requesting to re-zone Lot 1, Block 1, River Park Estates from A-1 Agriculture to I1 Light Industrial so that Valley Industries may construct a warehouse on this property was reviewed. Roberts read the Linda Holper email. Doreen Miller read her email against the request as well as a petition. Savage explained that Valley Industries has been in the community for 15 years. They have grown and are leasing two other buildings. They will continue to rent from Nelson Plastics and plan to build a 60,000 square foot building. Greg Spanier will be purchasing two acres from this parcel.

Savage described the intent of the lot split (the land directly behind the Schmidt's & LaPlant property would be split off). Truck traffic and hours of business (7:00 a.m. to 6:00 p.m. at the longest) was discussed. UPS would be twice a day and semi traffic varies with the winter being the busiest season at 6 – 8 trucks per day. The setback between residential and industrial is 20 feet. Ways to configure the building was discussed. The Miller's requested the loading dock be put in the back of the building, but that was determined to be an un-efficient location. Eckerly explained that Kathy Korte, Stearns County Assessor would not decrease the value of the Miller's property due to this property being Industrial. Fenske questioned the current zoning and the City's plan to clean up properties in the area.

McDaniel stated that the Industrial Park is there and is going to continue to move west. He respects the private property owners and would like to know how to accommodate both residential and industrial in this area as both are important. There was some discussion on utilities and traffic. Savage would like to have frontage as this is a \$2 million dollar development.

Joe Miller questioned having a different road to access this property; near the Stang property. Eckerly explained that the road would have to be 66 feet and asphalt and utilities installed which would be very costly. Other industrial property owners don't want to share the cost to develop Bruce Stang's private driveway. Savage understood the Miller's concerns as residents don't want to hear continual beeping. Mayer stated that according to the Comprehensive Plan this property is zoned industrial. He also has a loading dock in his back yard and he does not hear the beeping noises. It is inevitable that the Industrial Park was going to grow and it was going to grow here. McDaniel asked if there were opportunities for alternatives. McDaniel would prefer the Commission not make any decision today. McDaniel suggested the City pay for the utilities. Roberts interjected that the best use for the land is to re-zone it Industrial. Mayer stated that if the re-zone is delayed the project would be delayed and Valley Industries could go somewhere else to build. Savage stated that he doesn't own the land as the purchase is contingent on the re-zoning.

There being no further comments or questions, Roberts closed the Public Hearing at 7:03 p.m. and re-opened the regular Planning Commission meeting.

Motion was made by Mayer to approve the Report & Recommendation Of Planning Commission Regarding Request For Re-Zoning and recommend such to the City Council. Seconded by Mehr and passed 4:1 (Roberts, yes; Mehr, yes; Loven, yes; Mayer, yes; and McDaniel, no).

NEXT MEETING

The next meeting is scheduled for April 1, 2013.

BUILDING PERMIT REPORTS

Eckerly explained that the City has not paid the Building Inspection Services bills for a few months due to incorrect charges and no one will return her calls to get them corrected.

There being no further business the meeting was adjourned at 7:30 p.m.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: April 1, 2013

Agenda Section: New Business

Originating Department: Administration

Item Number: III - A

ITEM DESCRIPTION: Lot Split Request – Pay Del Co – Valley Industries

Prepared by: Staff

COMMENTS:

Please review the attached Lot Split Application submitted by Pay Del Co for the purpose of splitting Lot 1, Block 1, River Park Estates into two lots zoned I1 Light Industrial.

As you will read in Attorney Spooner's email the Commission may or may not want to include conditions on the proposed lot split. A Report & Recommendation Of The Planning Commission On Lot Split Application is attached for your consideration if conditions are necessary they will need to be added to the document.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the Report & Recommendation Of The Planning Commission On Lot Split Application.

4

CITY OF PAYNESVILLE
LOT SPLIT APPLICATION

221 Washburne Ave. ~ Paynesville, MN 56362

Phone: 320-243-3714 ~ Fax: 320-243-3713

List All Property Owners: Pay Del Co

Contact Person: Patrick Flanders

Address: 207 Washburne Ave

Telephone No.: 243-8484 Parcel No.: 70.39367.0000

Legal Description: Lot: 1 Block: 1 Addition: River Park Estates

ZONE: I 1 Industrial

EXISTING USE OF PROPERTY:
Will be light Industrial

REASONS SUPPORTING THE PROPOSED SPLIT:

Two local businesses would like to expand into the industrial park on this site. The split would accommodate them.

DESCRIPTION OF REQUEST: (use separate sheet if needed)

Split Lot 1, Block 1, River Park Estates into two parcels. See Attached.

Application Fee: \$50.00
(administrative review) plus **\$120.00**
(if public hearing is needed) **\$170.00** →
(total) (non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Recording \$46.00 (actual), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$250.00

DRAWING OF PROPOSED LOT SPLIT: (use separate sheet)

Application Must Include:

- Illustrated description of the site to be split showing the original lot and proposed division.
- Description of any site or sites to which the split is to be added to.
- A scale drawing showing the location of any and all buildings on the site proposed to be split and any contiguous sites.
- A scale drawing showing the location of any proposed new buildings.
- Legal description from abstract.
- Any written or graphic data required by the City Administrator.

Patrick Flanders
All Property Owners Must Sign This Application

3/21/13
Date

For office use only:

Application Fee: (non-refundable)

For office use only: Cash _____

Check No. 1101

Date Paid 3.21.13

Present To Planning Commission Date: 4.1.13

Council Set Public Hearing Date: 4.10.13

Council Public Hearing Date: 5.8.13

Council Makes Determination Date: 5.8.13

6:45pm

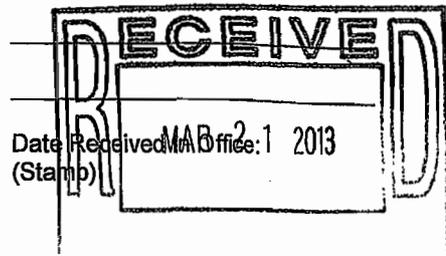
PLANNING COMMISSION ACTION:

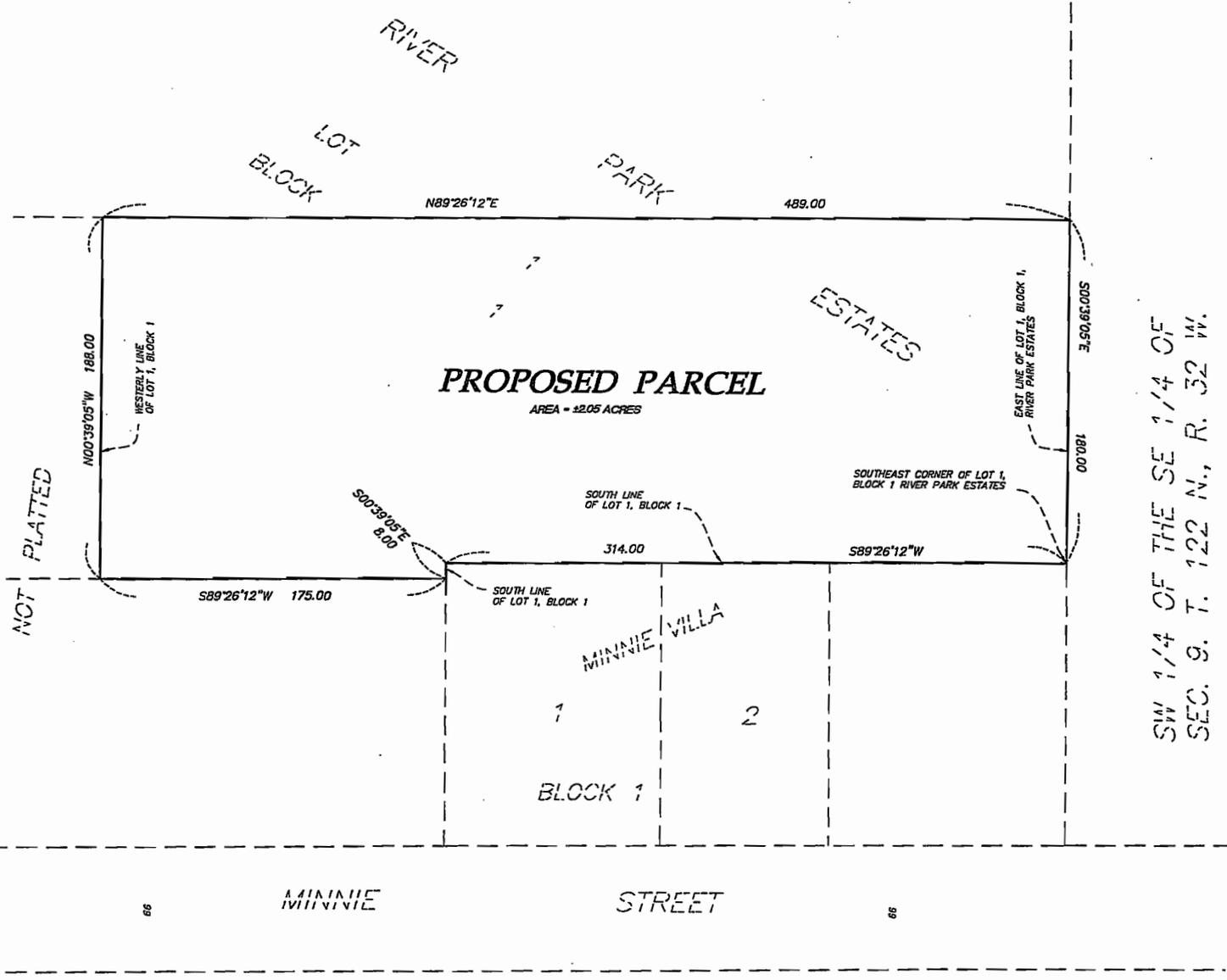
Recommended to Council Approved

Denied _____ Date: _____

CITY COUNCIL ACTION: Approved

Denied _____ Date: _____





I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Nathan H. Carlson 03/13/13
Nathan H. Carlson, R.L.S. Date
License No. 45873

Bearings are based on the plat of RIVER PARK ESTATES.
Scale 0 40 80 120
in feet

Westwood
Westwood Professional Services, Inc.
3701 12th Street North, Suite 209
St. Cloud, MN 56303
PHONE 320-253-9495
FAX 320-253-8737
TOLL FREE 1-800-270-9495
www.westwoodps.com

Crew: _____
Checked: NHC
Drawn: TTS
Record Drawing by/date: _____

Prepared for:
John Pulsifer Construction
9338 187th Ave. NE
New London, MN 56273

Part of Lot 1, Block 1
RIVER PARK ESTATES
Stearns County, MN

Date: 03/13/13
659.00SKF02.dwg
Sketch of Description

CITY OF PAYNESVILLE

RECN: 00028320 3/21/2013 3:00 PM
OPER: FRONT TERM: 001
REFN: 1101

TRAN: 10.0400 LOT SPLIT
PAY DEL CO VALLEY INDUSTRIES
LOT SPLIT FEES 170.00CR

TENDERED: 170.00 CHECK
APPLIED: 170.00-

CHANGE: 0.00

Jennifer Welling

From: William Spooner [fs-law@clearwire.net]
Sent: Monday, March 25, 2013 9:47 AM
To: Jennifer Welling
Subject: Pay-Del-Co Lot Split Documents
Attachments: PAY.DEL.CO.LOTSPLIT.REP.REC.doc; PAY.DEL.CO.LOTSPLIT.RESOLUTION.doc

Jennifer:

Attached is a draft of a Report & Recommendation and a Resolution granting a lot split

As we discussed briefly, I do not think that it would be unreasonable or inappropriate if Planning wished to amend their report to include a conditional provision making the split conditional on doing some screening or something as simple as complying with the requirements of the ordinance for screening between an industrial and residential lot, but I don't think it is necessary to do since the requirement is already in the zoning ordinance, but if it is something that they would like to include, it certainly could be modified to do that.

On Page 1 of the Report & Recommendation, you will see that there is a blank for the number of acres that make up the overall plat of Lot 1, Block 1, River Park Estates, which will need to be filled in.

William Spooner

**REPORT & RECOMMENDATION OF THE PLANNING COMMISSION
ON LOT SPLIT APPLICATION**

WHEREAS, a lot split application was referred to the Planning Commission by City Administrator in accordance with the provisions of Chapter 12 of the City Code of the City of Paynesville. The referral of the Planning Commission was made to allow the Planning Commission an opportunity to consider possible adverse effects of the proposed lot split and to make a report and recommendation to the City Council; and

WHEREAS, the application for the lot split was submitted by Pay-Del-Co and signed on its behalf by Patrick Flanders with regard to that certain parcel of real estate legally described as follows, to-wit:

Lot 1, Block 1, River Park Estates, according to the plat and survey thereof, on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; and

WHEREAS, the lot split application proposes a split off of the overall plat of Lot 1, Block 1, River Park Estates, which consists of 11.747 acres, more or less, thereby creating two (2) parcels, with the parcel proposed to be split off being legally described as follows, to-wit:

That part of Lot 1, Block 1, River Park Estates, according to the recorded plat thereof, Stearns County, Minnesota, described as follows:

Beginning at the Southeast corner of said Lot 1; thence South 89°26'12" West along the South line of said Lot 1, a distance of 314.00 feet; thence South 00°39'05" East continuing along said South line a distance of 8.00 feet; thence South 89°26'12" West continuing along said South line a distance of 175.00 feet; thence North 00°39'05" West along the Westerly line of said Lot 1, a distance of 188.00 feet; thence North 89°26'12" East a distance of 489.00 feet to

the East line of said Lot 1; thence South 00°39'05" East along said East line, a distance of 180.00 feet to the point of beginning.

Containing 2.05 acres, more or less; and

WHEREAS, the Planning Commission had an opportunity to review the lot split application on April 1, 2013, and based upon its review, the Planning Commission makes the following:

REPORT

1) The lot proposed to be split is Lot 1, Block 1, River Park Estates, according to the recorded plat thereof, Stearns County, Minnesota.

2) The split as proposed will not result in the existence of a non-buildable lot. The lot is zoned "I-1" – Light Industrial District. The lot, if split as proposed, would result in the creation of two (2) separate lots, both of which would exceed the size requirements for a lot within an area zoned "I-1" – Light Industrial District.

3) The Planning Commission believes that there is a demonstrated need for the expansion of the business, Spanier Welding, which is in need of the area proposed to be split off of the main parcel for the expansion of its business.

4) The proposed use of the portion being split off of Lot 1, Block 1, River Park Estates, according to the recorded plat thereof, is consistent with the zoning and the Comprehensive Plan of the City of Paynesville as adopted by the City Council.

11

RECOMMENDATION

The Planning Commission recommends that the proposed lot split be permitted.

DATED: _____

PAYNESVILLE PLANNING COMMISSION

By: _____
Daniel Roberts, Chairperson

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: April 1, 2013

Agenda Section: New Business

Originating Department: Administration

Item Number: III - B

ITEM DESCRIPTION: Variance Request – Paynesville Arch, LLC

Prepared by: Staff

COMMENTS:

Please review the attached Variance Application submitted by Paynesville Arch, LLC. They plan construct a sign and detached shed/trash enclosure. They wish to erect a sign up to 60', but it could be less, but not any more than 60'. They will meet the 5' sign set back, but not the height restriction of 35'. They also wish to erect a detached shed/trash enclosure but will not meet the 20' rear set back as they will only be 5' from the property line therefore needing a 15' variance also the structure will not meet the 10' side set back as they will only be 5'4" so they will need a 4'6" variance.

As you will read in Attorney Spooner's email the Commission may or may not want to include further conditions on the sign. A Report & Recommendation Of The Planning Commission On Application For Variance is attached for your consideration if conditions are necessary they will need to be added to the document.

In the preconstruction meeting is was discussed that a statement be added to the Variance that addresses that the City will allow building within the City's easement, but if work must be done within the easement and damage is incurred; the costs and expenses for such would be consumed by Paynesville Arch, LLC. This is being reviewed by Attorney Spooner.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the Report & Recommendation Of The Planning Commission On Application For Variance.

CITY OF PAYNESVILLE
VARIANCE APPLICATION

221 Washburne Ave. ~ Paynesville, MN 56362
Phone: 320-243-3714 ~ Fax: 320-243-3713

List All Property Owners: Paynesville Arch LLL

Contact Person: Corey Gerads 320-267-0777

Address: 10 2nd Ave Sardell MN 56377

Telephone No.: 320-267-0777 Parcel No.: 70.39210.0103

Legal Description: Lot: 1 Block: 2 Addition: Opportunity Park

68.5 Opportunity Park Dr.
ZONE: C-2

Application Fee: \$250.00
(non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Recording \$46.00 (actual), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$250.00.

EXISTING USE OF PROPERTY:
Bare Property City developed

IS THE VARIANCE NEEDED TO REPLACE AN EXISTING STRUCTURE OR ADD AN ADDITIONAL STRUCTURE? Request is for New Sign and Truck enclosure

IF REPLACING, IS THE EXISTING STRUCTURE NON-CONFORMING? N/A

DESCRIPTION OF REQUEST: (use separate sheet if needed)
Please see attached Request

DRAWING OF PROPOSED VARIANCE: (use separate sheet) please see attached sheets

Application Must Include:

- A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets, and private right of ways bordering and adjacent to the site, the use and location of all adjacent property.
- The specific feature or features of the proposed use, construction, or development that requires a variance.
- Specific provisions of Ordinance from which a variance is sought and the precise variance there from being sought.
- Statement of characteristics of the property that prevent compliance with the provisions of the Ordinance.
- Legal description from abstract.
- Any written or graphic data required by the City Administrator.

[Signature]
All Property Owners Must Sign This Application

3/19/13
Date

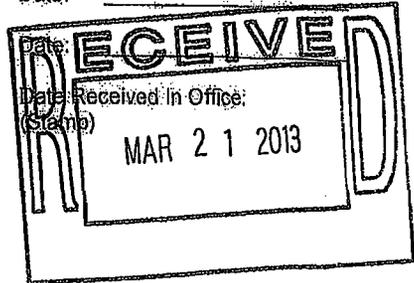
For office use only:
Application Fee: \$250.00 (non-refundable)
For office use only: Cash _____

Check No. 5361 Date Paid 3.21.13

Present To Planning Commission Date: 4.1.13
Board of Adjustment Public Hearing Date: 5.8.13

Board of Adjustment Set Public Hearing Date: 4.10.13
Board of Adjustment Makes Determination Date: 5.8.13

PLANNING COMMISSION ACTION:
Recommended to Board of Adjustment Approved _____ Denied _____ Date: _____
BOARD OF ADJUSTMENT ACTION:
Approved _____ Denied _____





March 19, 2013

City of Paynesville
Renee Eckerly
221 Washburne Ave.
Paynesville, MN56362

RE: Paynesville McDonalds Sign and Trash Enclosure Request.

Dear City Members

This letter is graciously written as a formal request for the consideration of variances located on the property of 685 Opportunity Park Dr. Paynesville MN. We are requesting a variance for the detached shed and trash enclosure that encroaches on the property's set back on the northeast corner, along with a variance for a McDonalds pylon sign to have a maximum height of 60' - 0" feet.

We are requesting the first variance for 41'-4" x 20'-8" detached shed and trash enclosure; the detached shed trash enclosure is located on the northeast corner of the property. Due to the triangular shape of the property we can not meet the required sets backs and still build the requested detached shed and trash enclosure. We are requesting a 4'-6" side set back variance on the northwest corner of the detached shed and trash enclosure and a 15'-0" rear set back variance on the northeast corner of the trash enclosure. Your consideration with this variance will help us construct a fully enclosed and gated detached shed and trash enclosure.

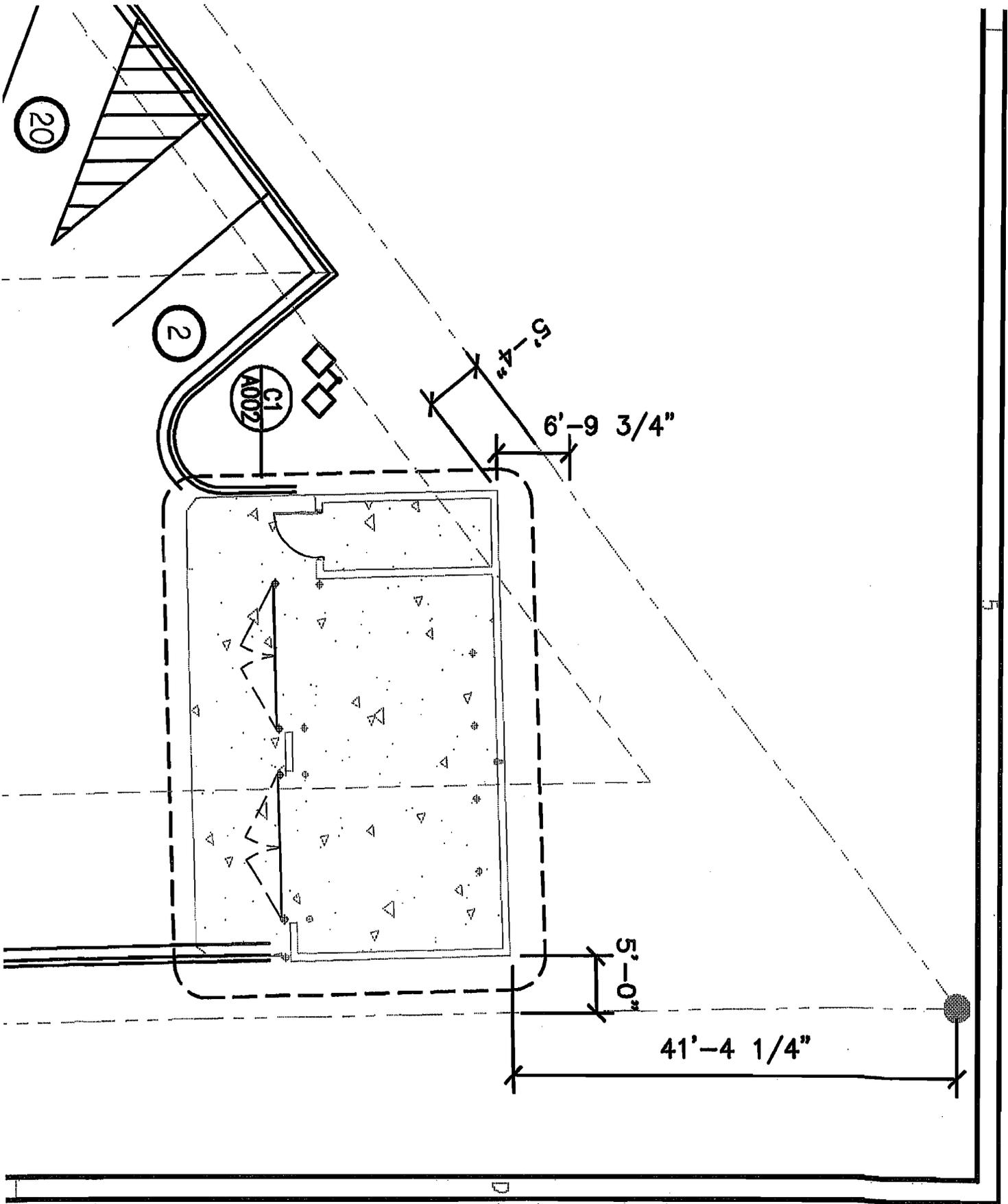
The second variance that we would graciously like to request is for maximum pylon site sign of 60'-0" located on southwest corner of the property. The requested variance will help ensure optimum visibility for the McDonalds pylon sign that would currently be blocked by the Hwy 23 over pass reconstruction. The request is for a maximum height of 60'-0" feet. The final height will be determined by a site line inspection provided by the sign company.

Thank you for the opportunity to provide information on the variance requests. I hope you will consider our request for these two concerns.

Sincerely,
Corey C. Gerads

A handwritten signature in black ink, appearing to read 'Corey C. Gerads', is written over a large, stylized signature graphic that resembles a large 'C' or a similar shape.

Alliance Building Corporation
President



plan, specification, or
 drawing or under my direct
 supervision as a duly Licensed Architect
 in the State of Minnesota.

LINGLE
 DESIGN
 GROUP, INC



LINGLE DESIGN GROUP, INC

158 WEST MAIN STREET

17

1'-6 1/2"
WITH CIVIL DRAW

THANK YOU

RESERVED
DT SIGN 1

DIRECTIONAL
SIGNAGE

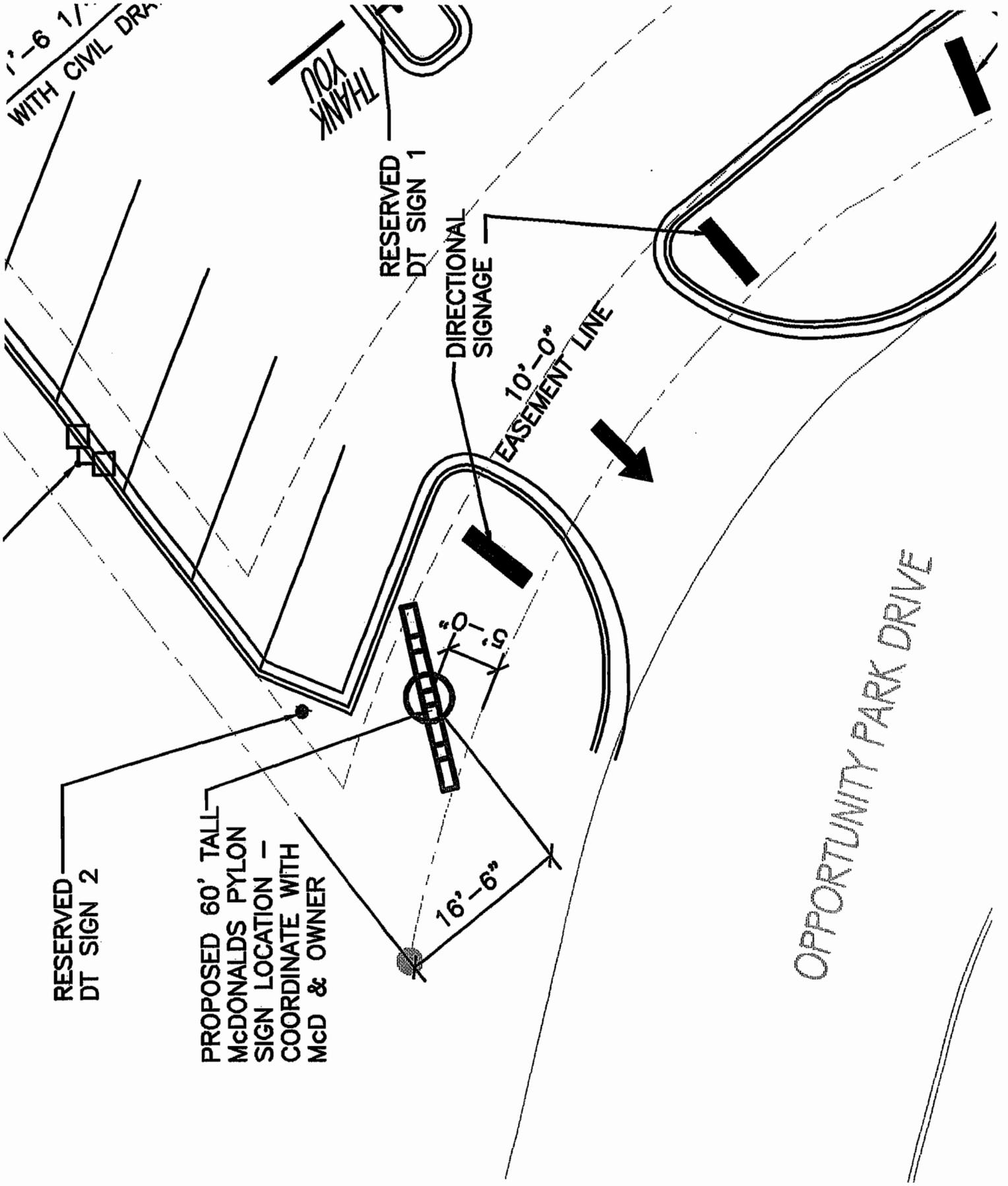
10'-0"
EASEMENT LINE

RESERVED
DT SIGN 2

PROPOSED 60' TALL
MCDONALDS PYLON
SIGN LOCATION -
COORDINATE WITH
MCD & OWNER

16'-6"

OPPORTUNITY PARK DRIVE



CITY OF PAYNEVILLE

REC#: 00028321 3/21/2013 3:48 PM
OPER: FRONT TERM: 001
REF#: 5361

TRAN: 10.0100 VARIANCE FEE
PAYNEVILLE ARCH LLC
VARIANCE FEES 250.00CR

TENDERED:	250.00	CHECK
APPLIED:	250.00-	
CHANGE:	0.00	

Jennifer Welling

From: William Spooner [fs-law@clearwire.net]
Sent: Tuesday, March 26, 2013 1:39 PM
To: Renee Eckerly
Cc: Jennifer Welling
Subject: Paynesville Arch, LLC - Variance Application
Attachments: MCDONALDS.VARIANCE.REP.REC.3.doc; MCDONALDS.VARIANCE.doc

Attached is a draft of a Report & Recommendation of the Planning Commission on the Paynesville Arch, LLC application for Variance, together with a draft of a grant of that Variance.

As always, I am drafting these documents assuming that the Council is likely to approve the grant of the Variance.

In particular, with regard to the height of the sign, the only condition that I have placed on the grant of the Variance is that the sign be limited to the height Variance applied for.

The question I have is whether there are other conditions that we should be placing on a sign of that height. I suspect that McDonald's is pretty careful about the proper engineering of their signs, but I am wondering if there is anything that we should put into the Grant of Variance related to the sign. If our building official was available to speak to us about this issue, they might have suggestions, and I would be more than happy to incorporate any reasonable conditions that the building official might think would be appropriate related to a sign of that height. I think it might make sense to talk about the conditions with a representative of the land owner before we incorporate them into the Grant of Variance document and, if the building official doesn't think that any other requirements are necessary, of course we could leave the documents as they currently are.

Let me know if there is something more that we might want to incorporate.

William Spooner

REPORT & RECOMMENDATION OF PLANNING COMMISSION
ON APPLICATION FOR VARIANCE

WHEREAS, the City Administrator has received from Paynesville Arch, LLC, a Variance Application seeking the following:

A rear yard and side yard setback Variance for the placement of a structure, 41'4" x 20'8" to be located five (5') feet from the rear lot line and five feet four inches (5'4") from the side lot line at the closest point, which placement would be less than the required 20' setback from the rear lot line and the 10' setback from the side lot line contained in City Code Chapter 11, Section 11.41, Subd. 5(A); and placement of a poly site sign 60' in height, which is a Variance from the maximum sign height limitation of 35' set forth in City Code Chapter 11, Section 11.14, Subd. 20; and

WHEREAS, Paynesville Arch, LLC, is the owner of that certain parcel of real estate located at 685 Opportunity Park Drive, Paynesville, Minnesota, 56362; and

WHEREAS, this parcel of property is more particularly identified as Parcel No. 70.39210.0103 and is legally described as follows, to-wit:

Lot 1, Block 2, Opportunity Park, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; and

WHEREAS, the property in question is zoned "C-2" - Highway Commercial District; and

WHEREAS, City Code Chapter 11, Section 11.41, Subd. 5(A), requires a 20' setback from the rear property line; and

WHEREAS, City Code Chapter 11, Section 11.41, Subd. 5(A), requires a 10' setback from side property lines; and

WHEREAS, the structure proposed to be placed is 41'4" by 20'8" and is a detached shed structure, the proposed placement of which requires a 4'6" side setback Variance at the structure's closest location to the side boundary line, and a 15'0" rear setback variance; and

WHEREAS, the sign proposed to be placed on the above-premises would exceed the height limitation of City Code Chapter 11, Section 11.14, Subd. 20, which has a maximum height allowance of 35', requiring a variance of 25' for the proposed sign height of 60'; and

WHEREAS, the Planning Commission believes that the owner's proposed use of the property is reasonable; and

WHEREAS, the setback issues are due to circumstances unique to the property and that the property is somewhat pie shaped in nature; and

WHEREAS, the Planning Commission finds that the Variance as requested, if granted, will not alter the essential character of the locality; and

WHEREAS, the Planning Commission finds that the proposed use of the property is in harmony with the general purpose and intent of the zoning ordinance, and the Variance as sought by the property owner will not change

the fact that the proposed use is in harmony with the general purposes and intent of the ordinance; and

WHEREAS, the Planning Commission is satisfied that the strict enforcement of the requirements of the zoning ordinance with regard to the rear and side setback and the sign height limitation would cause the owner practical difficulties with the use of the property.

NOW, THEREFORE, the Planning Commission recommends granting the Variance as requested.

PAYNESVILLE PLANNING COMMISSION

By: _____
Daniel Roberts Chairperson

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: Planning Commission

Committee/Council Meeting Date: April 1, 2013

Agenda Section: Old Business

Originating Department: Administration

Item Number: IV – A

ITEM DESCRIPTION: Opportunity Park 2nd Addition – Preliminary Plat

Prepared by: Staff

COMMENTS:

Please review the attached Preliminary Plat Application submitted by the City of Paynesville to plat the Outlot A of Opportunity Park into 5 lots zoned C-2 Hwy Commercial.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to set the Opportunity Park 2nd Addition – Preliminary Plat Public Hearing for Monday, May 6, 2013 at 6:35 p.m.

24

CITY OF PAYNESVILLE
PRELIMINARY PLAT APPLICATION
 221 Washburne Ave. ~ Paynesville, MN 56362
 Phone: 320-243-3714 ~ Fax: 320-243-3713

Name of Subdivision: Opportunity Park 2nd Addition

List All Property Owners: City of Paynesville

Contact Person: Renee Eckel, City Administrator

Address: 221 Washburne Ave, Paynesville MN 56362

Telephone No.: 243-3714

Legal Description: Outlot A, Block 1, Opportunity Park Addition

Number of Lots: 5	Proposed Zone: C-2	Application Fee: \$150.00 (non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$204.00.
---------------------------------	----------------------------------	---

PRELIMINARY PLAT

- The application must contain all information found in Section 12.07 Preliminary Plat, Subdivision 1, and Subdivision 2 found in the attached Ordinance No. 86, 2nd Series.
- Submit application and fee with three (3) large and one (1) reproducible 8.5" x 11" copies of the plat at least ten (10) business days prior to the Regular Planning Commission meeting.

Renee Eckel
 Signature of Applicant(s)

3/29/13
 Date

For Office Use Only.
 Application Fee: \$150.00 Cash _____ Check No. _____ Date Paid _____

Present To City Administrator & Set Date for Public Hearing.
 Planning Public Hearing Date: _____ Council Makes Determination Date: _____

PLANNING COMMISSION ACTION:
 Recommended to Council Approved _____ Denied _____ Date: _____

CITY COUNCIL ACTION:
 Approved _____ Denied _____ Date: _____

Date Application Received In Office:
 (Stamp)

Handwritten mark

PRELIMINARY PLAT: OPPORTUNITY PARK SECOND ADDITION

LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY REG. NO. 17367
- MONUMENT FOUND

OWNER:
The City of Paynesville

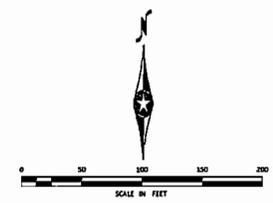
SURVEYOR/ENGINEER:
Bolton & Menk, Inc.
2040 Hwy 12 E.
Willmar, MN 56201

DESCRIPTION:
Outlet A, OPPORTUNITY PARK, according to the recorded plat thereof, Stearns County, Minnesota.

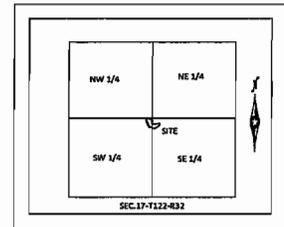
SURVEYOR'S NOTES:
1. Readings shown on this survey are based on the NAD83(2011) Stearns County Coordinate System.
2. Topographical features are a combination of field survey measurements done in February of 2012 and data taken from planned design information.

SURVEYOR'S CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Peter W. Blöthen 3-20-2013
Peter W. Blöthen Date
License Number 17367

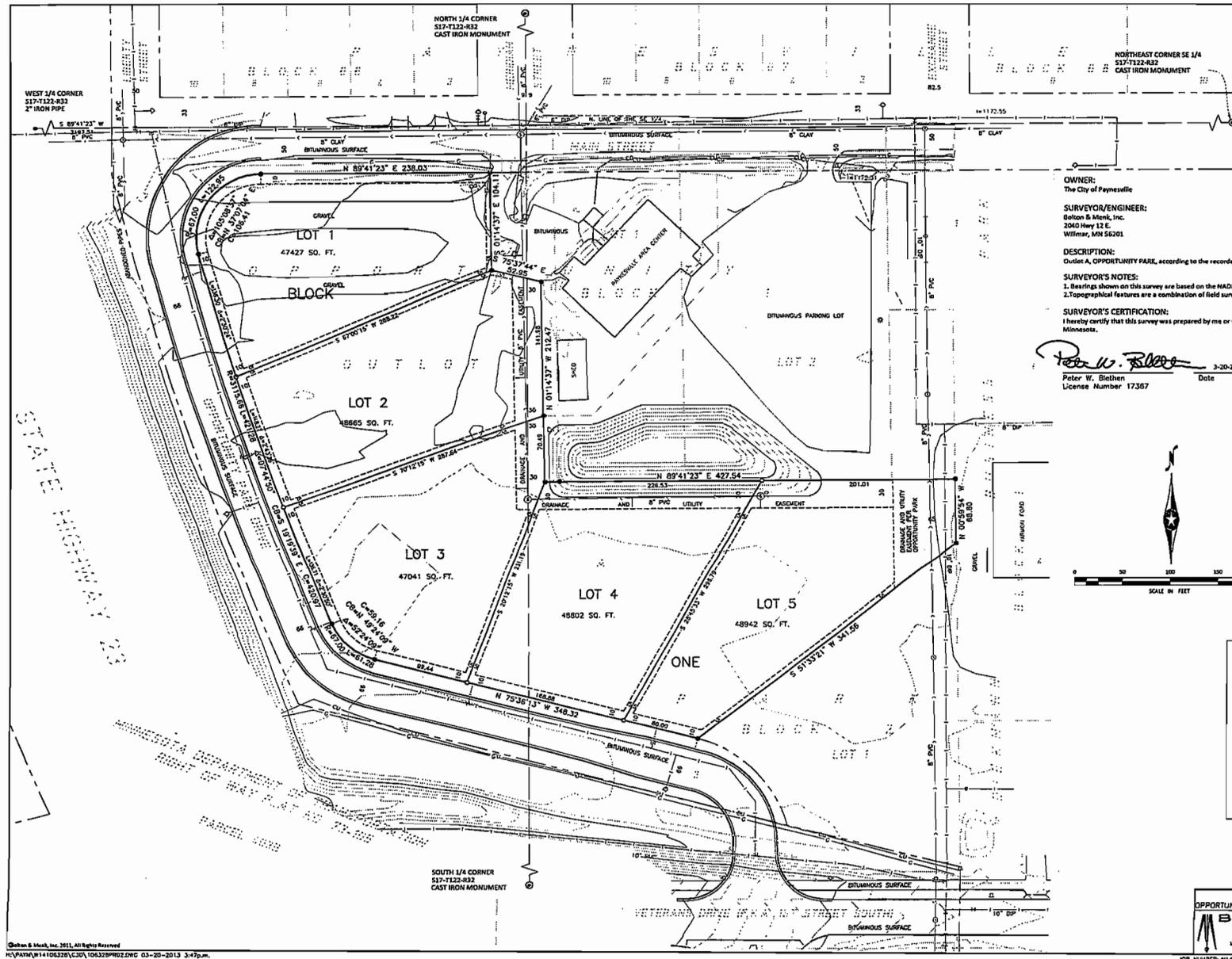


AREAS:
LOT 1: 1.09 ACRES
LOT 2: 1.12 ACRES
LOT 3: 1.08 ACRES
LOT 4: 1.12 ACRES
LOT 5: 1.12 ACRES
TOTAL: 5.53 ACRES



VICINITY MAP
NOT TO SCALE

	PRELIMINARY PLAT OPPORTUNITY PARK, SECOND ADDITION, PAYNESVILLE, MINNESOTA	DESCRIPTION: OUTLET A, OPPORTUNITY PARK, STEARNS COUNTY, MINNESOTA
	BOLTON & MENK, INC. Consulting Engineers & Surveyors 2040 HIGHWAY 12 EAST, WILLMAR, MN 56201 (320) 231-3956 WAKARUSA, MN FAIRBANKS, MN SLEEPY HOLLOW, MN BURNSVILLE, MN WILLMAR, MN CHASSA, MN BAUSLEY, MN AMES, IA	
JOB NUMBER: W14.106326 FIELD BOOK: DRAWN BY: FRD		FOR: CITY OF PAYNESVILLE



© Bolton & Menk, Inc. 2011. All Rights Reserved.
 H:\PAYM\W14106326\CAD\104326PR02.DWG 03-20-2013 3:47pm

20